

Idaho Heating, Ventilation and Air Conditioning Board Meeting

Friday – April 09, 2004
Division of Building Safety – Meridian

- CALL TO ORDER** Chairman Minegar called the meeting to order at 9:03 am on Friday, April 09, 2004, at the Division of Building Safety, Meridian, Idaho.
- PRESENT** Board Members present included Pat Minegar, Russ Firkins, Carol Alexander, Jim Bledsoe, Steve Brown, Steve Keys, and Mike Wisdom. Present from the Division of Building Safety were Dave Munroe, Administrator; Marsi Woody, Financial Officer; Kay Manweiler, Deputy Attorney General; Ted Hogander, Plumbing and HVAC Bureau Chief; Jack Rayne, Building Bureau Chief; Renee Bryant, HVAC Bureau Licensing; Shauna Wallace, Administrative Assistant; and Melinda Doan, HVAC Administrative Assistant and recording secretary.
- Also present were Mark Smith, Lewis and Clark State College; Bruce Graham, Quality Heating and Air Conditioning; Randy Elder, Salmon River Propane; Jerry Peterson, Building Trades; Brent Moore, SNW Local 60; Phil Petersen, Inland NW SMACNA; Tom Daniels, Valley Co-Ops Propane; Bob Corbell, HVAC Association; Barry Bergholm, NWHPBA Association, P.P.S.Co.; K. C. Bowers, Valley Co-Op of Jerome; and Don McClaran, NW H PBA.
- INTRODUCTIONS** Chairman Minegar welcomed everyone in the room. Attendees introduced themselves and stated their affiliation.
- MINUTES OF 2/26/04** Chairman Minegar made a motion for minutes to be approved. Jim Bledsoe stated that the testing class mentioned on Page Four, Other Business section, Paragraph Three, in the last sentence lists the date for a class as July 13, 2004 but was held in March. Corrections will be made to the minutes. Steve Keys addressed Page Two, Paragraph Eight, which states the 1997 UMC code is a dead code. There is a 2000 and 2003 update already out. Carol Alexander confirmed that the statement is correct. The code is not being updated by ICBO. Seconded. Passed.
- LEGISLATIVE REPORT** Bob Corbell spoke stating that the drafting of the Rule for the Apprenticeship Program which would require completion of four years before being certified was pulled to enable passing by the Legislature. New Legislation will be required to create the Rules for the Apprenticeship Program. The board will be responsible for creating the standards for Apprenticeship training.
- Discussion ensued as to the rules for the fees. The fees were generated to pay for the inspection program. The board will be responsible for changing the fees.
- City and County concerns in the industry are that inspectors will not be qualified if they only need to pass a certification test rather than having experience in the field.
- The board was given the ability to choose codes. Upcoming Legislation will change the makeup of the Building Safety Board to include construction. The only member at this time is a general building contractor out of Lewiston.
- Many calls requesting information regarding when license applications will be available and for clarification concerning requirement of electrical and gas fitters specialty licenses have been received. Cities, Counties, and Intermountain Gas are not currently looking for those licenses.

Clarification regarding grandfathering eligibility for out of state contractors was given. Kay Manweiler stated the rules do not differentiate between out of state contractors and in state contractors. Only that they had to have been working in the industry.

Russ Firkins said Representative Gagner would try to bring the International Plumbing Code to the Plumbing Board in the future. He has drafted legislation for the International Fuel/Gas Code and International Mechanical Code that this board will need to address in the future. Legislation was passed on the Plumbing side to enact civil penalties that the HVAC board will need to address. The three-year license issue was passed for Plumbing. The HVAC Bureau plans to start-up using the three-year license.

House Bill 756 took HVAC out of the Building boards authority and put it in the HVAC boards authority and selected codes. If any city or local jurisdiction is enforcing HVAC systems inspections they are required by law to use those codes starting January 1, 2005.

Carol Alexander voiced concerns regarding the code interpretation and enforcements and how HB 756 states specifically that "...amendments as adopted by HVAC Board". Neither the 2003 International Mechanical Code nor the 2003 International Fuel Gas Code addresses LPG.

CODE INTERPRETATION

Chairman Minegar addressed the role of the Board regarding code interpretation and the need to return to Legislation in reference to NFPA58 addressing any and all propane use. Russell Firkins stated that any amendments made to the code should go through the rule process and the probable need to create a temporary rule process since this will need to be enforced before the permits are required on January 1, 2005.

Jack Rayne commented that the International Fuel/Gas Code, Chapter Four, covers the gas piping installations. It does say that LP gas storage is addressed in accordance with Fire Code NFPA58. Piping is also covered. The administrative part of chapter exempts only certain items such as portable gas appliances that are not hooked up to permanent piping. Carol Alexander added it does not cover facilities that dispense it. Steve Brown declared NFPA58 does cover piping, storage, installation, and structures. The Fire code covers LP gas storage. It is not addressed in the Uniform Mechanical Code.

Chairman Minegar requested the board research and make recommendations whether to make an amendment to the code to adopt 54/58 or stay with the International. Steve Brown recommended using the UMC, which covers LP gas. Russ Firkins said that on natural gas it is very clear that we are taking downstream of the meter for the piping system. On LPG should be taken from whatever the source is on each job to keep it consistent with the natural gas. The fire departments should deal with the bulk plants, manufacturing and transportation since this enters into Federal law. HVAC concern should be with the building sites. Mike Wisdom states the natural gas companies provide the yard piping up to the meter so it is an easy distinction. However, there are a lot of jobs that go out where the tank farm is part of the design and is installed by the contractors. Some companies might bid and provide tanks and vaporizers and then the mechanical or plumbers will run the LP to tank.

Discussion commenced as to distance requirement for LP tank placement and gas piping of the line from tank to house. The lines are addressed in the UMC and in the NFPA. There are currently no permits or inspections required for setting tanks. Carol Alexander pointed out that the board would need to address new tank farm installations inside specific inspector jurisdictions and the possibility of leaving the responsibility with the Fire Inspector 100%. The HVAC commercial inspectors will need to be aware of potential problems for tank farm installations. Steve Brown stated the Fire Code does address LP gas. Kay Manweiler quoted the statutes and stated that structures have not been defined in the statutes. Clarification of language is required.

It was agreed that when inspecting you are looking at the installation going into the structure, gas piping to tank, regulator, and placement. When fire/life safety issues are noticed on sites it is our responsibility to address it whether it is in our code or not. If it is not in our code we need to contact the appropriate agency to get the matter resolved.

NFPA 54 is used for the tank and regulator inside. NFPA 58 is used for tank placement outside. Chairman Minegar re-iterated that the code parameters and responsibilities still need to be decided. Barry Bergholm noted that there are duplicating codes and that everybody self checks everybody. Installers are required by law to work out of NFPA 54/58. Gas companies use the same for gas piping and placement. This is a rule of thumb to enable industry standards. Mike asked about licensing or certification requirements already in place in the industry. Dispensing requires a license and inspection by the Fire Marshall. There is no continuity. Bruce Graham suggests stipulating that gas suppliers would do all underground piping to tank, etc...if we do not inspect to tank there needs to be specification of how far piping can go. Steve Brown states inspections have always been done to the tank.

Chairman Minegar declared it is not the Boards intentions to double up on the codes. Our intentions are that the scope of our law is enforced. The Board does not intend to control the industry.

Chairman Minegar ordered a break from 10:00 am to 10:15 am.

CODE ENFORCEMENT AND CONSISTENCY

Bob Corbell referred to HB 756, 54-5001, stating the Declaration of Policy lists both of the 2003 International Mechanical Code and the 2003 International Fuel Gas Code. HVAC contractors don't install the tank. Steve Keys suggested we are making this too complicated. Jack Rayne states the Fire Marshall's don't have consistency other than the Fire Code. Inspections vary statewide. Bruce Graham agrees that piping to the regulator must be inspected. Piping house to tank is a critical portion of the gas piping system. Suggestion was made to have Code Interpretation meetings quarterly or semi-annually. The separation of powers does not provide for this to happen. Steve Brown, Carol Alexander, and Chairman Minegar will review codes and attempt to construct the language so that everything downstream of the regulators in LP gas and Natural gas are treated the same and will report back to the board.

Chairman Minegar spoke of the opportunity to provide consistency and leadership throughout the state. The priority must be to provide help to the industry.

Randy Elder voiced concerns that when HVAC systems are installed the installer is then gone. But in LP industries they are always connected and responsible for that system. Consistency is welcomed and suggests the codes be utilized.

HVAC PROGRAM SUPERVISOR

Should be familiar with industry and familiar with installations. We need to hire somebody that will review the applications and qualify license applicants and provide information as to codes. Job description will be put on the Internet upon approval of the Board and will then give two weeks for applicants to apply, interview, and be hired. The Program Supervisor/Code Specialist should be certified. Dave Munroe discussed the possibility of eliminating under the experience section the phrase stating, "enforcing legal procedures," which would limit applicants to inspector types only. The requirement for a good knowledge of supervisory practices does pertain, as this position will be supervising the HVAC inspections side where Rusty Boyer is over the Plumbing side. The person must be a technical expert and should have Mechanical Inspector Certification. Chairman Minegar requested modifications be made as discussed. This individual will be responsible for working on the tests for each license type.

HEARTH DEALERS

Concerns were voiced in the industry as to the difference in permit fees between specialty installations versus HVAC company installations.

According to 54-5001 an HVAC installer would take out a permit for the main heat source and add \$15.00 dollars to his original permit. If a separate Hearth Dealer came out he would buy a permit for \$50.00 and then the first appliance he added would be \$15.00 totaling \$85.00. They are both paying the basic fee plus \$15.00 a fixture. This is consistent with the Plumbing and Electrical Bureau permit fees for specialty contractors.

The industry would like the ability to run low voltage wiring within the scope of their work, gas piping and venting, and installation and maintenance of fireplaces.

HVAC LICENSING

Dave Munroe has received calls from out of state people wanting clarification of licensing requirements. The same proof of qualifications will apply to all individuals seeking licenses. Our statute does not give the Board the authority to draw lines. There is no reciprocity. The HVAC web site is being kept up to date. Chairman Minegar confirmed that all individuals, whether in state or out of state, will be grandfathered the same and later will need to pass the same competency test. Kay Manweiler added that they would have to prove they are in the business prior to July 1, 2004. The window for grandfathering is April 1, 2005. They cannot start a business between July 1, 2004 and April 1, 2005 and be considered for grandfathering.

Ted Hogander stated he would like the ability to start the HCAV Bureau with the three year staggered licenses, which would require the ability to prorate the licensing fees. The statute does not indicate the ability to prorate but we do have the authority for a three- year license and would just need to adapt rules to create a system. Applicants will be set up by month in which they were born to allow continuity with the other bureaus.

Steve Brown made motion to allow Ted to set up permit fees on alternate and three year cycle as per month born. Motion seconded. Passed.

The HVAC Bureau will draw up applications and send out packets before the July 1, 2004, deadline. Chairman Minegar voiced requests that we make this available on line. Part of the application requires they sign that they have read the statutes and rules and understand them. Employers would have some responsibility to verify Journeyman experience if they apply on line. Rule 07.023.02, Alternate Requirements, state that to qualify they need proof of work as a journeyman prior to July 1, 2004. Idaho Code 54-5009 talks about the different classifications. Part two defines what journeymen do. We cannot impose the four-year requirement until after the grandfathering ends. Chairman Minegar stated the intent in passing legislation was that we couldn't deny anyone the ability to do what he or she has been doing.

IDAHO HVAC BOARD MEETING

The next meeting date will be in Meridian, not Twin Falls, and will be on May 20th. Chairman Minegar stated that if there are any corrections to be made to the minutes of this meeting that they be addressed to Shauna Wallace or Melinda Doan before hand. A typo it will be fixed but if it is a true correction it will be brought up at the next meeting.

OTHER BUSINESS

Apprentice program and specialty contractor's licenses were discussed. The board will need to list out the specialty areas. Bruce Graham handed out a multiple endorsement license list. We were going to rely on industry training courses to provide most of the educational components. The board will need to set clarifications as to specialty licenses versus multiple endorsements on journeyman license. These categories need to be written into the rules to compliment the statutory requirements and current rules for HVAC journeymen. Courses will be developed by various manufacturers and industry groups and basically the bureau will have to endorse the programs for meeting the education requirements for obtaining this credential along with the experience component as opposed to the four year apprenticeship program. Most of the training programs already exist. The board will have to approve given courses as equivalent training for this particular endorsement. On-line education was discussed with employer verification of on the job training versus traditional classroom education.

Grandfathering will include all areas of HVAC installations and will be separate endorsement areas at a later time. Kay Manweiler confirmed there are no rules in place to specify specialty categories. The Board would have to promulgate new rules for specialty license categories.

Ted Hogander asked if new hires after July 1, 2004, would be considered apprentices. Section 024 of rules dealing with apprentices was pulled out to get through Legislation so the Board would have to draft rules before registering any apprentices. Apprentices graduating current courses will go through the journeyman grandfathering provisions upon verification by employer. Apprentices that have not been journeymen before July 1, 2004, will fall under the regular requirements not the alternate requirements and then would need to take a test. The statute refers to function rather than time in trade. Chairman Minegar stated the need for a test in place by July 2, 2004. Russ Firkins added the International Code Council already has journeyman and contractor tests we could possibly buy or use. Jack Rayne stated the Instruction Exam Center has contractor exams. Brent Moore, SMW Local 60, has apprenticeship final tests. Mark Smith, Lewis and Clark State College, has individual course competency tests in place. The board will develop rules before initiating an apprenticeship program. Bruce Graham suggested putting together a committee to create guidelines for each licensing program. Once licensing is in place the board will look into the multiple endorsements.

Mark Smith stated the need for apprentice program graduates to become journeymen by April 1, 2005, to help those individuals caught in the middle. Steve Brown requested Mark Smith provide a list of what Lewis and Clark State College tests for.

Specialty Contractor's may require several exams to encompass all possible trades. The Hearth industry already has courses/training available to them at this time and has been asked to present the information to the Board at a later time. Other specialty areas are welcome to supply the same input.

At the current time Hearth is the only Specialty Contractor at this time. Statute 5009, sub-section 4 includes gas piping as a specialty. A suggestion was made to combine gas piping and venting as one specialty.

There was discussion regarding solid fuel such as pellet and wood stoves. 54-5009, paragraph 4, referring to specialty contractors is very broad. Currently the statute is general to any person practicing any of the fields and leaves room to develop the specialty areas.

Kay will provide a complete copy of the law with all the bills merged together by the next meeting. The engrossed bill is available on the Internet.

Kay Manweiler left the meeting at 11:50 a.m.

ADJOURNMENT

The meeting was adjourned at 11:55 a.m.

Respectfully signed,
Melinda Doan

At the Heating, Ventilation, and Air Conditioning board meeting on May 20, 2004, a motion was made to correct two items on page four of the April 9, 2004 Minutes.

The corrections are as follows:

Page 4, Paragraph 4: a typographical error, HAVC, is corrected to read HVAC.

Page 4, Paragraph 5: the motion made to allow the set up of "permit fees" was a misstatement and is corrected to read "licensing fees".

The motion was seconded and carried by unanimous vote.